

**REMARKS**

Claims 1, 2, 5, 6, 9, 12, and 14 are pending in this application. By this Amendment, claim 1 is amended and claims 3, 4, 7, 8, 10, 11, 13, and 15 are canceled. Support for the amendments to claim 1 may be found, for example, in the specification at page 4, line 17; page 4, lines 22–25; page 6, line 22 to page 7, line 4; Figure 1; and original claim 3. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

**I. Rejections Under 35 U.S.C §102****A. Kobayashi/Sato/Kawamura**

The Office Action rejects claims 1, 2, 4, 6, 8, and 12 under 35 U.S.C. §102(b) as being anticipated by JP 07-020140 to Kobayashi et al. ("Kobayashi") or JP 2001-174263 to Sato ("Sato") or JP 09-196686 to Kawamura et al. ("Kawamura"). By this amendment, claims 4, 8, and 12 are canceled, therefore their rejection is moot. As to the remaining claims, Applicants respectfully traverse the rejection.

Without conceding the propriety of the rejection, independent claim 1 is amended to more clearly recite various novel features of the claimed invention, with particular attention to the Examiner's comments. Specifically, claim 1 is amended to clarify that the magnetostrictive member is "made of a magnetostrictive element and formed of a substantially parallel piped member," and further requires "detecting means including a magnetic resistance element for detecting changes in magnetic permeability or remnant magnetization of the magnetostrictive member in a face intersecting at a right angle and a face parallel with the direction in which the magnetostrictive member is vibrating."

It is well settled that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *See* MPEP §2131.

Kobayashi, Sato, and Kawamura each fail to expressly or inherently describe each and every element of claim 1, as amended and, thus, do not anticipate claim 1. Claims 2 and 6 variously depend from claim 1 and, thus, also are not anticipated by Kobayashi, Sato, or Kawamura. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**B. Shimizu**

The Office Action rejects claims 1–4, 6–8, 12, 13, and 15 under 35 U.S.C. §102(b) as being anticipated by JP 07-260492 to Shimizu et al. ("Shimizu"). By this amendment, claims 3, 4, 7, 8, 13, and 15 are canceled, rendering their rejection moot. As to the remaining claims, Applicants respectfully traverse the rejection.

Claim 1 is amended as set forth above. Shimizu fails to expressly or inherently describe each and every element of claim 1, as amended and, thus, does not anticipate claim 1. Claims 6 and 12 variously depend from claim 1 and, thus, also are not anticipated by Shimizu. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**II. Rejections Under 35 U.S.C. §103**

**A. Kobayashi, Sato, or Kawamura in view of Shimizu**

The Office Action rejects claims 3, 5, 7, 9–11, and 13–15 under 35 U.S.C. §103(a) over Kobayashi, Sato, or Kawamura, in view of Shimizu. By this amendment, claims 3, 7, 10, 11, 13, and 15 are canceled, rendering their rejection moot. As to the remaining claims, Applicants respectfully traverse the rejection.

Claim 1 is amended as set forth above. None of the applied references considered individually or in combination teach or suggest each and every feature of independent claim 1.

Claim 1 would not have been rendered obvious by Kobayashi, Sato, Kawamura, and Shimizu. Claims 5, 9, and 14 variously depend from claim 1 and, thus, also would not have been rendered obvious by Kobayashi, Sato, Kawamura, and Shimizu. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**B. Shimizu**

The Office Action rejects claims 5, 9–11, and 14 under 35 U.S.C. §103(a) as obvious over Shimizu. By this amendment, claims 10 and 11 are canceled, rendering their rejection moot. As to the remaining claims, Applicants respectfully traverse the rejection.

Claim 1 is amended as set forth above. Shimizu fails to teach or suggest each and every feature of independent claim 1 and, thus, would not have rendered obvious claim 1. Claims 5, 9, and 14 variously depend from claim 1 and, thus, also would not have been rendered obvious by Shimizu. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 5, 6, 9, 12, and 14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff

Registration No. 27,075

Jeffrey R. Bousquet

Registration No. 57,771

JAO:JRB/hs

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**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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